



City Council Chambers  
3300 Capitol Avenue  
Fremont, California

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### City Council

Bob Wasserman, Mayor  
Anu Natarajan, Vice Mayor  
Bob Wieckowski  
Bill Harrison  
Suzanne Lee Chan

### City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk  
Harriet Commons, Finance Director  
Marilyn Crane, Information Technology Svcs. Dir.  
Daren Fields, Economic Dev. Director  
Annabell Holland, Parks & Recreation Dir.  
Norm Hughes, City Engineer  
Jill Keimach, Community Dev. Director  
Bruce Martin, Fire Chief  
Jim Pierson, Transportation & Ops Director  
Michael Rich, Human Resources Director  
Jeff Schwob, Planning Director  
Suzanne Shenfil, Human Services Director  
Craig Steckler, Chief of Police  
Elisa Tierney, Redevelopment Director

## City Council Agenda and Report [Redevelopment Agency of Fremont]

### General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

### Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

### Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## **Addressing the Council**

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## **Oral Communications**

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.**

**The City Council Agendas may be accessed by computer at the following Worldwide Web Address: [www.fremont.gov](http://www.fremont.gov)**

## **Information**

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

## **Availability of Public Records**

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of your City's business is appreciated.*

**NOTICE AND AGENDA OF SPECIAL MEETING  
CLOSED SESSION  
CITY OF FREMONT  
REDEVELOPMENT AGENCY**

**DATE:** Tuesday, September 8, 2009

**TIME:** 6:00 p.m.

**LOCATION:** Fremont Room, 3300 Capitol Avenue, Fremont

The Agency will convene a special meeting. It is anticipated the Agency will immediately adjourn the meeting to a closed session for granting authority to its real property negotiators, as follows:

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** This closed session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority regarding price and terms of payment to its real property negotiators.

Property Owner	Address	Parcel No.	Acres
Redevelopment Agency	37070 Fremont Blvd.	501-142600403	2.50
Redevelopment Agency	37120 Fremont Blvd.	501-142600601	.77
Redevelopment Agency	37156 Fremont Blvd	501-142600803	2.00
Redevelopment Agency	37196 Fremont Blvd.	501-142601002	.75
Redevelopment Agency	37122 Fremont Blvd.	501-142601100	.54
Redevelopment Agency	37218 Fremont Blvd.	501-142601203	.05

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS:** This Closed Session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority to its real property negotiators regarding:

APN# 501-0536-017-02 and 501-0536-018-02, approximately 27,499 sq. ft., located at 37405-37415 Fremont Boulevard and 4036 Beloveria Court.

The Brown Act requires the negotiators (even when not attending the meeting) to be listed in this notice. Those negotiators are:

For the Agency—(which will be represented at the meeting) Elisa Tierney, Redevelopment Agency Director; Randy Sabado, Real Property Manager; Agency Attorney, Harvey Levine and Special Counsel, Jack Nagel.

This Special Meeting is being called by Chairman Wasserman.



**AGENDA**  
**FREMONT CITY COUNCIL REGULAR MEETING**  
**SEPTEMBER 8, 2009**  
**COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A**  
**7:00 P.M.**

**1. PRELIMINARY**

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

**2. CONSENT CALENDAR**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances*  
*(This permits reading the title only in lieu of reciting the entire text.)*

- 2.2 *Approval of Minutes – None.*

**2.3 REPORT OF ACTIONS TAKEN DURING COUNCIL RECESS**

*Report of Actions Taken by the City Manager during Council Recess, July 29, 2009 through August 31, 2009*

**Contact Person:**

<b>Name:</b>	<i>Dawn Abrahamson</i>	<i>Melissa Stevenson Dile</i>
<b>Title:</b>	<i>City Clerk</i>	<i>Deputy City Manager</i>
<b>Dept.:</b>	<i>City Clerk's Office</i>	<i>City Manager's Office</i>
<b>Phone:</b>	<i>510-284-4063</i>	<i>510-284-4005</i>
<b>E-Mail:</b>	<i>dabrahamson@fremont.gov</i>	<i>mdile@fremont.gov</i>

**RECOMMENDATION:** *Receive report acknowledging actions taken by the City Manager or designee during the recess.*

2.4 *PARTIAL RELEASE OF IMPROVEMENT SECURITY, TRACT 7757, 48835 KATO ROAD*

*Approval of Partial Release of Improvement Security Required By Private Improvement Agreement for Tract 7757, for Partial Performance of the Completion of Improvements*

*Contact Person:*

<i>Name:</i>	<i>Andrew Russell</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Senior Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4534</i>	<i>510-494-4748</i>
<i>E-Mail:</i>	<i>arussell@fremont.gov</i>	<i>nhughes@fremont.gov</i>

*RECOMMENDATION: Permit the partial release of improvement security, Tract 7757, for the private (on-site) improvements, in the amount of \$1,855,800, retaining \$1,237,200 in security until acceptance of all the private on-site improvements by the City Engineer.*

2.5 *ALAMEDA COUNTY BEHAVIORAL HEALTH CARE SERVICES FY 2008/09 SERVICES-AS-NEEDED CONTRACT AMENDMENT*

*Authorize the City Manager or Designee to Execute an Amendment to the FY 2008/09 Services-As-Needed Contract with Alameda County Behavioral Health Care Services for Reimbursement of Mental Health Services*

*Contact Person:*

<i>Name:</i>	<i>Iris Preece</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>Youth &amp; Family Services Administrator</i>	<i>Director</i>
<i>Dept.:</i>	<i>Human Services</i>	<i>Human Services</i>
<i>Phone:</i>	<i>510-574-2128</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>IPreece@fremont.gov</i>	<i>SShenfil@fremont.gov</i>

*RECOMMENDATION: Authorize the City Manager or his designee to execute a contract amendment with Alameda County Behavior Health Care Services to increase the total remuneration available for mental health services provided in FY 2008/09 by \$20,000, from \$723,427 to \$743,427.*

**3. CEREMONIAL ITEMS**

- 3.1 Resolution: Honoring Fremont Participants in California Youth Energy Services Program

**4. PUBLIC COMMUNICATIONS**

- 4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

## CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

### 5. SCHEDULED ITEMS – None.

### 6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

### 7. OTHER BUSINESS

- 7.1 MIDTOWN DISTRICT COMMUNITY PLAN AND DESIGN GUIDELINES  
Authorize the City Manager to Execute an Agreement with HOK Architects for Development of a Midtown District Community Plan and Design Guidelines in an Amount Not to Exceed \$300,000

Contact Person:

Name:	Jill Keimach	Daren Fields
Title:	Director	Director
Dept.:	Community Development	Economic Development
Phone:	510-494-4443	510-284-4020
E-Mail:	jkeimach@fremont.gov	dfields@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to enter into a contract with HOK Associates to lead a multidisciplinary consultant team to develop the Midtown District Community Plan and Design Guidelines at a cost not to exceed \$300,000.

- 7.2 ANNUAL PROGRESS REPORT ON SUSTAINABLE BUILDING AND LANDSCAPING PRACTICES  
Receive Annual Progress Report from Staff on Sustainable Building and Landscaping Practices

Contact Person:

Name:	Dan Schoenholz	Jill Keimach
Title:	Policy and Special Projects Manager	Director
Dept.:	Community Development	Community Development
Phone:	510-494-4438	510-494-4767
E-Mail:	dschoenholz@fremont.gov	jkeimach@fremont.gov

RECOMMENDATION: Receive and consider report.

7.3 CLIMATE CHANGE REFERRAL AND CLIMATE ACTION PLAN

Staff Response to Council Referral Concerning Bay Area Climate Change Compact; Proposed Work Plan for Climate Action Plan; and Update on Proposed Changes to the San Francisco Bay Plan Related to Climate Change

Contact Person:

Name:	Amy Rakley	Dan Schoenholz
Title:	Associate Planner	Policy and Special Projects Manager
Dept.:	Community Development	Community Development
Phone:	510-494-4450	510-494-4438
E-Mail:	arakley@fremont.gov	dschoenholz@fremont.gov

RECOMMENDATION:

1. Authorize the Mayor to sign the Bay Area Climate Change Collaborative Charter of the Bay Area Climate Change Compact.
2. Direct staff to proceed with the work plan for the Climate Action Plan, as described in this report.

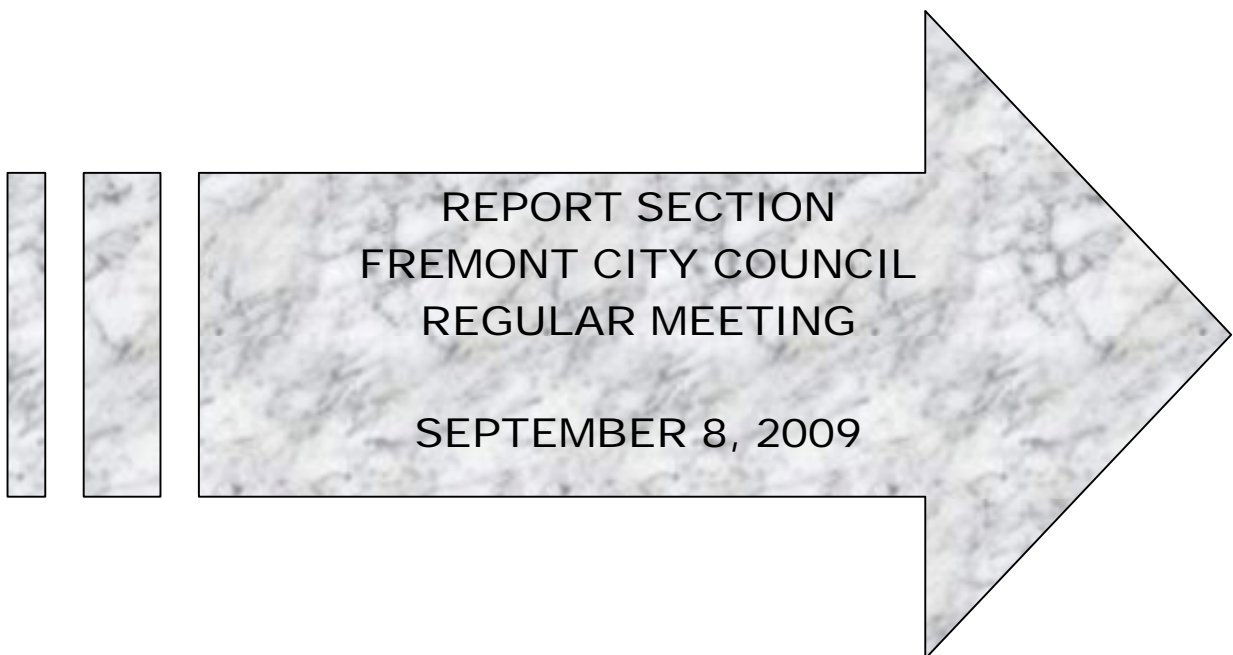
**8. COUNCIL COMMUNICATIONS**

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events

**9. ADJOURNMENT**





REPORT SECTION  
FREMONT CITY COUNCIL  
REGULAR MEETING

SEPTEMBER 8, 2009



## **\*2.3 REPORT OF ACTIONS TAKEN DURING COUNCIL RECESS**

### **Report of Actions Taken by the City Manager during Council Recess, July 29, 2009 through August 31, 2009**

#### **Contact Person:**

Name:	Dawn Abrahamson	Melissa Stevenson Dile
Title:	City Clerk	Deputy City Manager
Dept.:	City Clerk's Office	City Manager's Office
Phone:	510-284-4063	510-284-4005
E-Mail:	dabrahamson@fremont.gov	mdile@fremont.gov

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**Executive Summary:** The purpose of this report is to notify City Council of the administrative actions taken by the City Manager or his designee during the Council recess, July 29, 2009 through August 31, 2009.

**BACKGROUND:** On July 28, 2009, the City Council adopted Resolution No. 2009-49 authorizing the City Manager or designee to approve administrative matters specified in the resolution during the legislative recess period. All of the contract awards were at or below the budgeted amount and engineers' estimated amounts, which are shown below. Following is the status of items specified in Resolution No. 2009-49:

1. Title: Approval of a third amendment to the contract for Niles Town Plaza Site Design Services  
Staff Contact: Rob Kalkbrenner, Civic Facilities Division Manager, 494-4428  
Name of Contracting Party: RRM Design Group  
Budgeted Amount: \$18,650  
Action: Executed a third amendment to the Niles Town Plaza Site Design Services agreement with RRM Design Group for additional design scope and construction administration services in the amount of \$18,650.
2. Title: Purchase of Eight (8) Microsoft SQL Server Database Licenses  
Staff Contact: Marilyn Crane, ITS Services Director, 494-4802  
Name of Contracting Party: GovConnection, Inc.  
Budgeted Amount: \$140,000  
Action: Issued a purchase order to GovConnection, Inc., the lowest responsible bidder, in the amount of \$133,295.77 for the purchase of eight (8) Microsoft SQL Server Database licenses.
3. Title: Vargas Plateau Regional Park Cooperative Funding Agreement with East Bay Regional Park District related to Future Phase II Park Improvements and Access  
Staff Contact: Annabell Holland, Parks and Recreation Director, 494-4329  
Name of Contracting Party: East Bay Regional Park District  
Budgeted Amount: Portion of Measure WW Grant Funds: \$1.8 million

- Action: Executed Cooperative Funding Agreement with East Bay Regional Park District related to Future Phase II Park Improvements and Access.
4. Title: Joint Powers Agreement with City of Newark for Case Management Services  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: City of Newark  
Budgeted Amount: \$5,000  
Action: Executed Joint Powers Agreement with the City of Newark to provide senior case management services.
5. Title: FY 2009/10 Senior Mobile Mental Health Contract Renewal  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Behavioral Health Care Services  
Budgeted Amount: \$422,799  
Action: No action was taken during the Council recess.
6. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$10,000  
Action: No action was taken during the Council recess.
7. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$53,140  
Action: No action was taken during the Council recess.
8. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$68,969  
Action: No action was taken during the Council recess.
9. Title: FY 2009/10 Alameda County Area Agency on Aging Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Area Agency on Aging  
Budgeted Amount: \$30,979  
Recommended Action: No action was taken during the Council recess.

10. Title: FY 2009/10 Alameda County Public Health Contract  
Staff Contact: Karen Grimsich, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Public Health  
Budgeted Amount: \$159,000  
Recommended Action: No action was taken during the Council recess.
11. Title: FY 2009/10 Alameda County Area Health Care Services FRC Support Contract  
Staff Contact: Judy Schwartz, Aging and Family Services Administrator, 574-2062  
Name of Contracting Party: Alameda County Health Care Services Agency  
Budgeted Amount: \$100,000  
Action: No action was taken during the Council recess.
12. Title: FY 2009/10 Probation Contract Renewal  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128  
Name of Contracting Party: Alameda County Probation Department  
Budgeted Amount: \$455,850  
Action: Executed a contract in the amount of \$455,850 with Alameda County Probation Department to provide programs supporting at-risk youth and families in Fremont and Newark.
13. Title: Task Order No. 5 to Joint Powers Master Service Agreement with Fremont Unified School District for Mental Health Services  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128  
Name of Contracting Party: Fremont Unified School District  
Budgeted Amount: \$117,163  
Action: Executed Task Order No. 5 to the existing joint powers master service agreement with Fremont Unified School District for integrated mental health and case management services for an amount not to exceed \$117,163.
14. Title: FY 2009/10 Alameda County Behavior Health Care Services EPSDT Contract Renewal  
Staff Contact: Iris Preece, Youth and Family Services Administrator, 574-2128  
Name of Contracting Party: Alameda County Behavioral Health Care Services  
Budgeted Amount: \$723,427  
Recommended Action: Executed a contract with Alameda County Behavior Health Care Services for reimbursement for mental health services funded through EPSDT, in an amount not to exceed \$723,427.
15. Title: CDBG-R Contract with Cal Bay Inc., for Family Resource Center Soffit & Fascia Replacement  
Staff Contact: Lucia Hughes, Management Analyst II, 574-2043  
Name of Contracting Party: Cal-Bay Construction, Inc.

Budgeted Amount: \$117,780

Action: Executed a contract with Cal-Bay Construction, Inc., to undertake the Family Resource Center Soffit and Fascia Replacement project in an amount not to exceed \$117,780.

**ENCLOSURE:** None.

**RECOMMENDATION:** Receive report acknowledging actions taken by the City Manager or designee during the recess.

## **\*2.4 PARTIAL RELEASE OF IMPROVEMENT SECURITY, TRACT 7757, 48835 KATO ROAD**

### **Approval of Partial Release of Improvement Security Required By Private Improvement Agreement for Tract 7757, for Partial Performance of the Completion of Improvements**

#### **Contact Person:**

Name:	Andrew Russell	Norm Hughes
Title:	Senior Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4534	510-494-4748
E-Mail:	arusell@fremont.gov	nhughes@fremont.gov

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**Executive Summary:** The purpose of this report is to request the City Council approve the partial release of improvement security for faithful performance of the completion of the private improvements for Tract 7757, located at 48835 Kato Road. The improvement security was furnished by the subdivider of Tract 7757, Robson Homes, LLC, in accordance with the "Private Improvement Agreement, Tract 7757," approved by Council on June 12, 2007. The applicant has substantially completed the required private street improvements and has requested a release of \$1,855,800 from the bond amount of \$3,093,000, with the remaining \$1,237,200 to be held until acceptance of the tract improvements.

**BACKGROUND:** Tract 7757 is located on the south side of Kato Road, 700 feet west of Warm Springs Boulevard. This project consists of 114 single family detached homes. The final map, agreements for construction of public and private street improvements, and offers of dedication of land were approved by the City Council on June 12, 2007.

The private (on-site) improvements required by the subdivision plans and contained in the Private Improvement Agreement have been substantially completed. Remaining improvements to be completed include concrete repair, decorative paving, utility boxes, lighting, landscaping, and irrigation. Since the work is not 100% complete, the on-site tract improvements are not ready to be accepted by the City Engineer. The amount of the bond submitted as security for the construction of the on-site improvements is \$3,093,000.

**DISCUSSION/ANALYSIS:** The developer has requested a partial release of the security held for the completion of the private improvements based upon substantial completion of the required improvements, and the large bond amount submitted to guarantee completion of the work. Standard City procedure is to recommend acceptance of the public and private improvements by the City Engineer once all improvements are satisfactorily completed. After acceptance, the entire amount of each improvement security can be returned and a new one-year warranty bond is submitted in its place. In the present case, the majority of the improvements for this tract have been substantially completed, but are not ready for final inspections and acceptance.

Section 8-1426, Financial Guarantees, of the Fremont Municipal Code (Subdivision Ordinance) provides, in relevant part, that: "The Council may permit the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses." If the Council permits, a

partial release of the improvement security may be made prior to acceptance of the improvements by the City Engineer. The developer has asked the City Council to permit the partial release of improvement security submitted for completion of the required private streets and other on-site improvements shown on the approved plans and included in the bond guaranteeing the completion of the on-site improvements.

City construction staff has been inspecting the project during construction and have determined the subject improvements are substantially complete. Based upon the verifiable progress of construction, the staff can recommend a partial release of improvement security for the private (on-site) improvements, with the balance held until final inspections and acceptance by the City Engineer.

In accordance with the Subdivision Map Act, a one-time reduction in the improvement security can be considered if the cost of the work for the remaining improvements does not exceed 20% of the original bond amount, and the resulting security to be retained can be 200% of the cost of the remaining work.

The amount estimated for completion of the private on-site improvements is about \$618,600, or 20% of the original bond amount; 200% of the estimated cost for completion of the remaining improvements is approximately \$1,237,200 . The amount of the bond recommended for release is \$1,855,800, with \$1,237,200 in security retained until completion of the unfinished improvements and acceptance of all improvements.

**FISCAL IMPACT:** None.

**ENCLOSURE:** [Copy of Council report: Approval of Final Map Tract 7757, 48835 Kato Road, Robson Homes, LLC](#)

**RECOMMENDATION:** Permit the partial release of improvement security, Tract 7757, for the private (on-site) improvements, in the amount of \$1,855,800, retaining \$1,237,200 in security until acceptance of all the private on-site improvements by the City Engineer.



**\*2.5 ALAMEDA COUNTY BEHAVIORAL HEALTH CARE SERVICES FY 2008/09  
SERVICES-AS-NEEDED CONTRACT AMENDMENT**

**Authorize the City Manager or Designee to Execute an Amendment to the FY 2008/09  
Services-As-Needed Contract with Alameda County Behavioral Health Care Services for  
Reimbursement of Mental Health Services**

**Contact Person:**

Name:	Iris Preece	Suzanne Shenfil
Title:	Youth & Family Services Administrator	Director
Dept.:	Human Services	Human Services
Phone:	510-574-2128	510-574-2051
E-Mail:	IPreece@fremont.gov	SShenfil@fremont.gov

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**Executive Summary:** The purpose of this report is to recommend that the City Council authorize the City Manager or his designee to execute a contract amendment to the FY 2008/09 Services-As-Needed Contract between the City and Alameda County Behavioral Health Care Services (ACBHCS) that will increase the total remuneration available for mental health services provided by \$20,000, from \$723,427 to \$743,427.

**BACKGROUND:** The Youth and Family Services (YFS) division of the Human Services Department has secured Medi-Cal reimbursement from ACBHCS for eligible mental health services provided to children and adults through its various programs for several years. This contract with ACBHCS includes services provided to children with “full-scope” Medi-Cal coverage (i.e., complete Medi-Cal coverage) that are funded through Early Periodic Screening Diagnosis and Treatment (EPSDT), which is a joint County, State and Federal Medicaid reimbursement mechanism for health care services provided to children. Reimbursement for services funded through EPSDT must be based on actual costs up to the maximum allowed by the State of California, which requires a final cost settlement report each year.

In FY 2008/09, YFS was able to provide more eligible services than planned, and the Alameda County Behavioral Health Care Services Department has authorized a one-time augmentation to the contract of \$20,000. The recommended contract amendment will increase the maximum reimbursement available from \$723,427 to \$743,427. The final reimbursement amount will be determined during the cost settlement process, which is in progress.

**ENCLOSURE:** None

**RECOMMENDATION:** Authorize the City Manager or his designee to execute a contract amendment with Alameda County Behavior Health Care Services to increase the total remuneration available for mental health services provided in FY 2008/09 by \$20,000, from \$723,427 to \$743,427.

## **6.1 Report Out from Closed Session of Any Final Action**

**7.1 MIDTOWN DISTRICT COMMUNITY PLAN AND DESIGN GUIDELINES**  
**Authorize the City Manager to Execute an Agreement with HOK Architects for**  
**Development of a Midtown District Community Plan and Design Guidelines in an Amount**  
**Not to Exceed \$300,000**

**Contact Person:**

Name:	Jill Keimach	Daren Fields
Title:	Director	Director
Dept.:	Community Development	Economic Development
Phone:	510-494-4443	510-284-4020
E-Mail:	jkeimach@fremont.	lfields@fremont.gov

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**Executive Summary:** Several months ago, the City Council reviewed a presentation by TMG Partners and provided direction to staff to select a consultant team to develop the Midtown District Community Plan and Design Guidelines and perform the associated environmental analysis. This report recommends the City Council authorize the City Manager or designee to enter into an agreement with HOK Architects for completion of the Midtown District Community Plan and Design Guidelines in an amount not to exceed \$300,000.

**BACKGROUND:** At the March 24, 2009 City Council meeting, TMG Partners, the City's development partner for the Midtown District, made a presentation to the City Council on a vision for the Midtown District and possible next steps. In concert with City staff, TMG Partners recommended that a development plan for streetscape improvements, building forms and character, land use ranges, and design guidelines be prepared and environmentally cleared in order to set the stage for development to move quickly once the economy recovers. At the same time, the City Council approved the recommendation brought forth by City staff and TMG Partners that these planning efforts look at a larger area ("Midtown") rather than the previously defined Capitol Avenue Project. Council further recommended that this area include connections to and through the Midtown Area, specifically looking at Fremont Boulevard and its connections to the historic town centers of Centerville and Irvington and at the pedestrian connections to the Fremont BART Station.

The boundaries of this new area (see Exhibit A, map of Midtown District) are co-terminus with the "Focus Area" outlined in the Central Business District Concept Plan adopted in 2001. The vision for the Focus Area in the Central Business District Concept Plan is to create a hub of activity by having the area "contain a mix of uses including retail, offices, entertainment, open space, and cultural arts organized around a main street. This main street, to be constructed on Capitol Avenue and an extension of it to Fremont Boulevard, will be an attractive place to shop, stroll, and dine, and will become the true center to the focus area." The Concept Plan further describes the area as anchored by new Fremont Administrative Offices and a Public Plaza as well as a new Cultural Arts Center.

The Concept Plan implements several policies of the General Plan, in particular Policy LU 2.7, which states, "Site design and building development in the Central Business District shall be oriented toward pedestrians and transit. To maintain an active pedestrian environment, buildings oriented towards streets, sidewalks or public plazas shall be strongly encouraged. Retail uses shall be encouraged at the

ground level.” The Central Business District Concept Plan includes the following set of goal statements that will be addressed in more detail in the Midtown District Community Plan and Design Guidelines:

- To create a recognizable and memorable Downtown that people can take pride in and where people want to go.
- To create a Downtown comprised of a mix of land uses including mixed-use buildings, housing, offices, retail, government/civic uses, entertainment, open space/parks, and cultural arts.
- To improve streetscape design.
- To improve amenities for pedestrians, particularly in the Downtown focus area, through design approaches such as street narrowing and locating buildings at the street edge.
- To improve connections to the BART station.
- To encourage a network of public and private, strategically placed parking facilities.
- To encourage the use of energy efficiency in building technology.
- To support economic vitality, particularly for small businesses.
- To reflect history, as appropriate, and Fremont’s cultural diversity in the design and development of the Downtown.

**DISCUSSION/ANALYSIS:** Last year, the City Council selected TMG Partners as its new development partner and in August 2008 the City entered into a Memorandum of Understanding with TMG Partners. Since that time TMG Partners has been meeting with the property owners adjacent to and near the City-owned parcel at State Street and Capitol Avenue. TMG Partners has also teamed up with the City to work toward the purchase of property in the subject area; one purchase is currently pending completion of transaction documents. In addition, TMG Partners and City staff have worked toward expanding the study area to include the Midtown District and have most recently focused attention on the development of the Midtown District Community Plan and Design Guidelines.

**Next Steps:** The current economic climate makes it virtually impossible to obtain credit or capital or to plan reliably to develop a specific project. As such, it is impractical to prepare a development pro forma, business plan or finance plan at this time. The City can, however, begin the planning process in the area to allow development to move forward quickly once the economy recovers. In particular, the Community Plan and Design Guidelines and associated environmental analysis will accomplish two critical items:

1. Provide certainty to the development community as to what and how much can be built (i.e., street design, building design, and building “envelope”); and
2. Eliminate time and expense in the development process by completing a program level Environmental Impact Report, which could save a developer up to \$250,000 in costs and a year in the entitlement schedule. Having design guidelines already established and adopted by the Council will help clarify, implement, and expedite the vision and entitlement process for future development.

**Community Plan and Design Guidelines Consultant Selection:** Four consultant teams were invited to present their qualifications and participate in an interview for the Midtown Community Plan and Design Guidelines. City staff consisting of the City Manager, Deputy City Manager, City Attorney, Community Development Director, Economic Development Director, and Planning Director, along with David

Cropper of TMG Partners, participated in the interviews. The process was designed to provide in-depth discussions with a high quality pool of potential architecture and urban design planning firms, rather than require respondents to put considerable time and expense into creating detailed proposals through a costly and time-consuming Request for Proposal (RFP) process. Not coincidentally, the firms that were invited to participate all had extensive experience with mixed-use projects throughout the Bay Area, California, and the country. Staff interviewed the following three consulting firms (listed in alphabetical order): Design, Community & Environment; Field Paoli Architects; and HOK Architects. The fourth firm, Bottomley Associates, declined to participate due to scheduling and work load conflicts.

Design, Community & Environment provides a range of planning and design services in comprehensive planning, urban design, architecture and landscape architecture, transportation planning, and environmental review. The City Council may recall this firm did the original Central Business District Concept Plan adopted in 2001. Field Paoli Architects focuses on urban design, community buildings, and retail/mixed-use centers that are community-based and create memorable environments. Field Paoli has done extensive work in Fremont, including work on the Centerville Unified Site, Fremont Boulevard, and preliminary planning analysis on the Midtown District. HOK Architects specializes in planning, design, and architectural services for communities and has a strong base in urban design, architecture and place-making, retail/mixed-use projects, and multi-disciplinary approaches to projects.

Evaluations of the interviews were conducted based on a number of criteria, including the following:

- Interest and availability (ability to focus efforts on the project).
- Experience with similar projects and with private/public partnerships.
- Depth of experience and qualifications of the planning team.
- Demonstrated site planning and urban design experience.
- Ability to visualize a variety of uses in the project, including retail/office/housing, streetscape design, and community uses and civic spaces.
- Understanding of design guidelines and how they would integrate with the planning document and help promote appropriate, sustainable development.

Staff felt the unique nature of this project would require a unique and strong architecture, urban design, and planning team. Such a team would need considerable capacity and experience; the vision to develop a sense of place where none now exists; and the ability to develop the Community Plan and Design Guidelines with multiple discrete elements including streetscape design, building form and articulation, design, infrastructure utilities capacity analysis, signage, incorporation of public art into the District; LEED/sustainable practices; and transportation and parking analysis. Due to the complex and interrelatedness of these goals and vision for the Midtown, staff and TMG have discussed the need for a team of experts led by the main consultant. Based upon interview responses and analysis, staff and TMG Partners are recommending the City Council authorize the City Manager to enter into an agreement with HOK Architects as the lead consultant for the Midtown team.

HOK is a global provider of design services. Since the firm's founding in 1955, HOK has developed into one of the largest and most diverse planning, architecture, and urban design practices in the world. With expertise in a variety of fields, HOK has the ability to connect across markets and disciplines in order to see the "big picture" and create exceptional environments that meet complex planning and design challenges. HOK has extensive experience in designing transit oriented development, urban

design, and civic/governmental projects throughout the country. A more thorough summary of their experience is available at their website, [www.hok.com](http://www.hok.com). Staff and TMG Partners believe HOK Architects has the capacity, expertise and creativity to complete the Community Plan and Design Guidelines in a timely manner that most closely reflects the City's specific interests and goals.

The Midtown District Community Plan and Design Guidelines will be a mixed-use, urban design plan that establishes the desired physical vision for the Midtown District through a clear and comprehensive set of policies, incentives, and requirements. The Plan will establish a coherent and consistent regulatory framework of physical standards and design guidelines. It will establish land use development envelopes that can respond to changing market conditions; policies for economic development; design concepts for "green" and pedestrian-oriented streetscapes; private and public shared parking plans; pedestrian amenities; open space and land use; civic uses; and public art. It is anticipated the schedule for completing the Community Plan and Design Guidelines and environmental analysis will take approximately twelve (12) months to complete.

**FISCAL IMPACT:** The cost of the Community Plan and Design Guidelines is not to exceed \$300,000. Funds are available from monies allocated in previous fiscal years toward this project in Fund 501 (Capital Projects General Fund).

**ENVIRONMENTAL REVIEW:** City staff believes it important to integrate the environmental work for the Midtown District with the ongoing environmental work for the General Plan. This integration will ensure that both projects will be able to proceed on their own timelines and the resultant outcomes are in sync with one another. As such, City staff has been working with the City's existing General Plan environmental consultant, Lamphier-Gregory, on a proposal to complete a separate, but integrated, Program Level Environmental Impact Report (EIR) for the Midtown Community Plan. A staff report and recommendation on this EIR should be before the City Council within the next four weeks.

**ENCLOSURE:** [Exhibit A, map of Midtown District](#)

**RECOMMENDATION:** Authorize the City Manager or designee to enter into a contract with HOK Associates to lead a multidisciplinary consultant team to develop the Midtown District Community Plan and Design Guidelines at a cost not to exceed \$300,000.

## 7.2 ANNUAL PROGRESS REPORT ON SUSTAINABLE BUILDING AND LANDSCAPING PRACTICES

### Receive Annual Progress Report from Staff on Sustainable Building and Landscaping Practices

#### Contact Person:

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**Executive Summary:** The City Council adopted a resolution in 2006 promoting sustainable building and landscaping practices. The resolution was meant to formalize the City's commitment to sustainable practices such as recycling, energy conservation, and Bay-friendly landscaping, and to go a step further by committing to a number of measures related to green building and greenhouse gas reduction. In 2008, Council endorsed additional sustainability-related measures based on recommendations developed by the Green Task Force.

The City continues to integrate sustainability into its operations and into its strategic planning efforts. The purpose of this report is to present highlights of the City's sustainability efforts in the past year and to describe upcoming actions that continue to implement the City's sustainability policy and the recommendations of the Green Task Force.

**BACKGROUND:** Accomplishments of the past year related to sustainability include the following:

#### Climate Change

- In conjunction with the recommendations of the Green Task Force, the City Council adopted a goal of reducing the City's greenhouse gas emissions by 25% by the year 2020 compared to a 2005 baseline.
- Using a grant from the Bay Area Air Quality Management District, staff organized a well-attended Climate Action Workshop for the community. Public input from the workshop was provided to the City Council as part of its consideration of the Green Task Force's recommendations.
- Staff also has begun work on a Climate Action Plan, which will provide a detailed roadmap for meeting the ambitious greenhouse gas reduction goals set by the City Council (a more detailed discussion of the Climate Action Plan work plan and of the Council referral regarding the Bay Area Climate Compact is presented as a separate agenda item).

#### Energy Conservation in City Operations

- Through the "Energy Watch" program, a partnership of Pacific Gas & Electric (PG&E) and the Association of Bay Area Governments (ABAG) that provides assistance to local governments in reducing their energy usage, the City completed lighting retrofits at City Hall (Buildings A and B), the Police Building, and the Family Resource Center. Energy conserving window film

also was installed at the Police Building and the Development Services Center. The projects, which cost about \$212,000 after rebates, will result in an annual savings of about \$60,000 and will reduce greenhouse gas emissions by about 175 tons annually.

- As part of the retrofit of the Tri-City Volunteers Building on Joseph Street, the space was redesigned with natural lighting and retrofitted with energy efficient fixtures to reduce electricity needed for lighting by 54%, saving about \$15,000 per year.
- The City collaborated with PG&E and the Alameda County Water District to bring California Youth Energy Services (CYES) to Fremont for the first time in the summer of 2009. Through this program, which operated out of office space in the City's Development Service Center, local youth conducted 238 free energy and water conservation audits for local residents and installed 2,145 fluorescent lights and hundreds of other energy and water saving devices. The program also provided job training and summer employment for local youth. Staff hopes to work with CYES again in 2010.
- Consistent with the recommendation of the Green Task Force, the City initiated the "Be Green, Save Green" program to provide small businesses with free energy audits and low-cost upgrades. This program, which initially targeted the Irvington District and provided almost 40 free audits to small businesses in summer 2009, will expand to other commercial districts throughout the next year. Staff worked with PG&E to make the program available in Fremont.
- The City's Information Technology Services Department recently completed a Server Virtualization project that reduced the number of the City's computer servers from 82 to fewer than 20. This project is expected to pay for itself in 15 months and will save the City an estimated \$60,000 annually in utility and maintenance costs.
- Through the "Flex Your Power" program, the City will voluntarily reduce energy usage at PG&E's request (primarily by raising thermostat settings and reducing air conditioning usage in City buildings) during heat waves.
- The City applied for \$1.89 million in federal stimulus funds through the Energy Efficiency and Conservation Block Grant (EECBG) program. If the City receives approval of its application, the funds will be used to install a new cool roof on the Fremont Main Library (in conjunction with installation of solar panels by the County) and for a variety of other energy conservation projects.

### **Green Buildings and Bay Friendly Landscaping**

- The City Council formally adopted a policy requiring all municipal projects with over 10,000 square feet of landscaping to achieve a 60-point score on the Bay Friendly Landscaping checklist and to utilize all nine mandatory measures, as well as a policy requiring private projects (other than single-family homes) to meet at least seven of the nine mandatory measures. This will result in savings of water, fossil fuels, and labor costs in both municipal and private projects.
- Fire Station 6 received its LEED certification, the first City building to achieve this standard. Fire Station 2 is on track to receive certification as well, and design is underway on Fire Station 11, which will meet the LEED Silver standard.
- In FY 2008/09, the Maintenance Division's Urban Forestry program planted 932 trees, while 378 trees were removed for various projects, resulting in a net gain of 554 trees. As part of the 2009 Arbor Day celebration, Urban Forestry planted 37 trees. These and similar efforts resulted in Fremont being named a "Tree City" for the thirteenth consecutive year.



- Two recently entitled affordable housing projects (Eden Housing on Peralta and Main Street Village) scored over 100 points on the GreenPoint rating scale, far exceeding the 50-point minimum that the City requires as a standard condition of approval.

### **Bicycle/Pedestrian Improvements**

- The Alameda County Transportation Improvement Authority awarded the City a \$342,000 grant for pedestrian improvements in the Irvington District. The funds will be used at six intersections along Fremont Boulevard between Grimmer Boulevard and Washington Boulevard. This segment of Fremont Boulevard is categorized in the County Strategic Pedestrian Plan as a “High Priority Transit Corridor” and as an area of significance for the commercial district. Project improvements will include curb bulb-outs, pedestrian count down signals, median refuge, ADA compliant curb ramps, accessible pedestrian signal devices, and new striping and signing.
- The City awarded a contract for installation of 16 bicycle lockers at the Centerville Train Depot, the Mission San Jose Park and Ride Lot, and the Fremont Family Resource Center, as well as 79 bicycle racks at 21 locations in the City, including the County libraries, City parks, community centers, and other heavily used facilities. In addition, the City provided funding to BART for installation of 36 lockers at the Fremont BART station.
- Construction began on the Bay Street Streetscape Improvement Project. The project is partially funded with a \$1.6 million grant from the Metropolitan Transportation Commission’s Transportation for Livable Communities program, which is aimed at creating walkable neighborhoods near transit.
- The City began design of the Grimmer Greenway project, a new bicycle pedestrian amenity that will connect the Irvington District with Central Park.

### **Creek Restoration**

- Environmental Services and Recreation Services staff collaborated on a successful application for a \$1.2 million California Rivers Parkways grant to restore Sabercat Creek, one of the last natural riparian areas in Fremont. The project will stabilize sections of eroded creek bank, enhance riparian habitat by reintroducing native plant species, and will extend the trail connecting two pedestrian pathways and add interpretive signage and picnic tables.

### **Waste Reduction**

- In 2008, the City achieved a 68% waste diversion rate, an increase to the 2007 diversion rate of 64%. Staff is evaluating potential solid waste collection and processing changes that could further improve diversion rates and enable the City to achieve its goal of 75% diversion by 2010.
- Staff began implementation of a new ordinance requiring recycling of construction and demolition debris from private and City projects.
- As part of the annual cape seal pavement management program, the City utilized sealant made from recycled waste tires. The resurfacing project diverted approximately 10,556 tires from landfills while rehabilitating pavement on many separate road segments in Fremont.
- In the last fiscal year, the City’s Graffiti Abatement Program utilized 370 gallons of recycled paint to eradicate graffiti, helping to create a market for recycled products while also saving the City several thousand dollars compared to the cost of new paint.

### **Regulating Polystyrene Containers and Plastic Bags**

- In coordination with the Fremont Chamber of Commerce, staff conducted extensive outreach to merchants and restaurants to evaluate the feasibility of a voluntary compliance program. Based on the outreach results and on staff analysis, staff does not intend to recommend a ban of either polystyrene or plastic for the City at this time.
- A plastic bag ban would likely be subject to legal challenge and therefore difficult to implement. Instead, staff will continue to support legislation that would impose a fee statewide on single use bags, consistent with City Council direction as part of the City's legislative program. A statewide single use bag fee would likely be far more effective at reducing consumer demand than a local ban. The City will also continue to promote the use of reusable bags by participating in local and regional media campaigns and signage efforts.
- Before recommending a ban on polystyrene containers, staff will focus on expanding the commercial organics collection infrastructure. Until the City can ensure that compostable containers would be collected and composted, a polystyrene ban would provide no environmental benefit because compostable service-ware produces more greenhouse gasses than polystyrene when landfilled.

### **Incentives, Education, and Information**

- In July 2009, Council adopted a Clean Technology Business Tax Exemption as an incentive to attract green employers into Fremont.
- Environmental Services and Planning staff organized sustainability-related events during the past year including Earth Day and the Climate Change Workshop, and used these opportunities to inform the community about sustainability, waste reduction, and clean water programs. Environmental Services and Community Development staff also participated in many other community events, such as the Festival of the Arts and National Night Out.
- Articles regarding sustainability appeared in each issue of City News, which is mailed to every household in Fremont.

### **Major Sustainability Projects for 2009/10**

- Development of a Climate Action Plan outlining strategies for reaching the emission goals adopted by the City Council (discussed in more detail in a separate agenda item).
- Issuance of the Draft General Plan with an overall emphasis and focus on sustainability.
- Implementation of the federal Energy Efficiency and Conservation Block Grant funding.
- Finalize design and award contract for a new cool roof and partner with Alameda County to provide a solar installation at the Fremont Main Library.
- Begin construction of Sabercat Creek Habitat Restoration project.

**ENCLOSURE:** None

**RECOMMENDATION:** Receive and consider report.

### 7.3 CLIMATE CHANGE REFERRAL AND CLIMATE ACTION PLAN

**Staff Response to Council Referral Concerning Bay Area Climate Change Compact; Proposed Work Plan for Climate Action Plan; and Update on Proposed Changes to the San Francisco Bay Plan Related to Climate Change**

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**Executive Summary:** On July 14, 2009, the City Council directed staff to evaluate the City's potential participation in the Bay Area Climate Collaborative and the impact of becoming a signatory to the Bay Area Climate Change Compact. Staff has performed its evaluation and believes the overall goals and aggregate targets endorsed by the Collaborative and included in the Compact are generally consistent with previous Council actions related to addressing global warming and climate change. While the Collaborative's current efforts are focused on the Bay Area's three largest cities - San Jose, San Francisco, and Oakland - as a signatory to the Compact, Fremont could garner many benefits from interagency collaboration, such as reducing duplicative efforts on climate change and climate adaptation program development. Other potential benefits of Fremont's participation in the Compact include economies of scale in developing Bay Area-wide educational, marketing, and community information tools, and improved knowledge exchange among all members. In addition, the City would show its leadership in addressing the issues of climate change and global warming through its participation in the Compact. Staff therefore recommends the City sign the charter in support of the Compact.

Along with responding to the Council referral, staff is taking this opportunity to provide Council with a report on the proposed work plan for a community Climate Action Plan, as well as information regarding changes proposed by the Bay Conservation and Development Commission (BCDC) to the San Francisco Bay Plan to reflect expected sea-level rise resulting from global warming and climate change.

**Council Referral--Bay Area Climate Cooperative and Bay Area Climate Change Compact:** The Bay Area Climate Collaborative ("Collaborative") was launched by the Silicon Valley Leadership Group in association with Joint Venture Silicon Valley, and formalized in a signing ceremony in Spring 2009. The Collaborative brings together leaders from government, the business community, academia, and not-for-profit advocacy groups to address the challenge of climate change across the region. The Collaborative is inviting cities and counties to sign on to the Bay Area Climate Change Compact ("Compact") to promote collaboration and information sharing aimed at reducing the region's greenhouse gas emissions, and to better position the region to qualify for outside funding for future initiatives. Becoming a signatory to the Compact would enable Fremont's participation in a number of efforts, such as work groups organized around several of the ten Action Area Goals described below, while precluding any specific obligation or requirement to provide funding or staff resources. There is no cost associated with becoming a signatory to the Compact.

**Details of the Compact:** The Compact includes two sections: a “Leadership Call to Action” that expresses support for State emission reduction targets, and ten “Action Area Goals”, which include goals and aggregate targets for the three largest cities in the Bay Area – San Jose, San Francisco, and Oakland - that were the original signatories to the Compact. The Collaborative envisions that other agencies, such as Fremont, would benefit from the interagency process of developing strategies for the three cities to address the Action Area Goals by, for example, reducing duplicative efforts on climate change and climate adaptation program development. Other potential benefits of Fremont’s participation in the Compact include economies of scale in developing Bay Area-wide educational, marketing, and community information tools, and improved knowledge exchange among all members.

**Leadership Call to Action:** This section of the Compact expresses support for greenhouse gas emission reduction targets already adopted by the state of California in AB 32, the Global Warming Solutions Act, and Governor Schwarzenegger’s Executive Order #S-3-05, specifically:

- By 2010, reduce greenhouse gas (GHG) emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels (equivalent to 12% below 2005 levels); and
- By 2050, reduce GHG emissions to 80% below 1990 levels (which is equivalent to 83% below 2005 levels).

(Equivalency source: City of Hayward’s Climate Action Plan, June 2, 2009, pg. xii).

The City of Fremont’s adopted goal of a 25% reduction in the City’s greenhouse gas emissions by 2020, from a 2005 baseline, is more aggressive than the Compact’s goal. To date, the City Council has not adopted a longer-term emission reductions goal, such as the 2050 target in the Compact and AB 32. However, staff believes expressing support for the statewide goals already adopted by the State of California is generally consistent with Council direction while allowing flexibility for modifying the City’s goals over time as necessary.

**Action Area Goals:** The Compact’s ten Action Area Goals and aggregate targets are as follows:

1. Establish an example reference standard for “baseline” green building and rooftop solar practices by the end of 2010.
2. Implement a common, ongoing region-wide public information campaign by the end of 2010, to reduce greenhouse gas emissions and increase community resiliency.
3. Increase the number of zero emission and other advanced ultra-low emission light duty vehicles to 10% of municipal fleets by the end of 2013, and to 25% by the end of 2018.
4. Reduce gasoline consumption 3% by the end of 2013, and 8% by the end of 2018, by incentivizing and encouraging transportation mode-shifts, such as networked work locations, bicycling and use of public transit. (Reductions described in this goal, as well as the following goals, are from a 2008 baseline unless otherwise noted.)
5. Increase by 30% the use of renewable sources for electrical energy by the end of 2013 and by 50% by the end of 2018.
6. Reduce electrical energy usage in buildings, through conservation and energy efficiency, by an average of 10% by the end of 2013 and by 15% by the end of 2018.
7. Decrease community water consumption by 15% by the end of 2013 and 20% by the end of 2018. Increase water recycling rates by 10% by the end of 2013 and 15% by the end of 2018.

8. Increase solid waste diversion from landfills to 75% by the end of 2013, and achieve zero waste by the end of 2020.
9. Increase the available blue and white collar “clean and green workforce” courses and trainings by the end of 2013 and help place 20,000 trainees and graduates in the labor force by the end of 2013.
10. Develop and adopt municipal and organizational climate adaptation plans by the end of 2013 to increase resiliency to the impacts of climate change.

Although many of these goals and aggregate targets are outside the City’s control, the City can take actions that will contribute to their achievement. For example, goals related to water conservation and water recycling are primarily under the purview of Alameda County Water District, yet the City can effect conservation and strategies for water use reduction within municipal operations and through support for initiatives such as the Bay-Friendly Landscape Requirements already endorsed by Council. Other goals are so ambitious that staff anticipates the City would be unlikely to achieve them. As an example, while the City may achieve 75% landfill diversion rates by 2013, staff believes it is unlikely that the City will reach 100% diversion by 2020. However, the goals will serve as organizing principles to support the regional cooperative efforts which lie at the heart of the Collaborative’s vision. As such, the goals are more appropriately viewed as an expression of community and political support to work towards the outcomes which they are intended to achieve, such as environmental sustainability and economic prosperity.

Therefore, if Council decides to join the Collaborative by signing on to the Compact, staff recommends that it is with the recognition that signing reflects the City’s commitment to making broad-based progress in reducing greenhouse gas emissions, and that the City may not achieve some of the Compact’s specific Action Area Goals.

**Proposed Work Plan for the Climate Action Plan:** In 2008, Council adopted a goal of reducing the community’s GHG emissions by 25% from 2005 levels by 2020, in order to mitigate the harmful effect of GHG emissions on climate change. Also in 2008, the City completed a greenhouse gas emissions inventory for the baseline year 2005. The inventory revealed that the transportation sector—primarily passenger vehicles—is responsible for 60% of Fremont’s GHG emissions. Buildings and solid waste are responsible for 37% and 3% of emissions, respectively.

To guide the City’s efforts to achieve this 25% reduction goal, Council directed staff to prepare a community Climate Action Plan (CAP) and appropriated \$110,000 in Integrated Waste Management funds for the effort. The CAP will be adopted in parallel with the General Plan update, and is intended to be a specific road map for achieving the Council’s adopted GHG emissions reduction target.

As a first step, staff worked with the Climate Protection Campaign, the organization which developed Sonoma County’s Climate Action Plan, to develop a work plan for the CAP. As described in more detail below, the work plan envisions a nine-month planning process that will include public involvement and will evaluate the effectiveness of a range of potential implementation measures for reducing GHG emissions. These measures would be included in the final CAP, and would provide the basis for implementation of the Plan. It should be noted that staff intends to develop the Plan in-house, with general input, guidance and a peer review of the draft Plan by a consultant.

**Public Involvement:** City operations generate only about one-half of 1% of all greenhouse gas emissions in Fremont. Therefore, in order for the CAP to be successful, other agencies and the community at large will need to help find solutions. Ideally, the CAP process will build broad support for the successful, ongoing implementation of the emission reduction measures that will ultimately be adopted by the City Council.

As development of the CAP moves forward, staff proposes to invite a variety of stakeholders representing the government sector, business, the environmental community, and youth to participate in the process. Staff's goal is to establish ownership and commitment with key stakeholders leading to broad support for implementation, and to provide feedback to staff during preparation of the CAP. Staff will solicit representatives from government organizations with relatively large operations, including Alameda County Water District, Union Sanitary District, Fremont Unified School District, and Ohlone College District, as well as the other stakeholder groups mentioned previously. Staff will also continue to coordinate with former members of the Green Task Force and invite them to continue to participate in the City's efforts.

In September 2008, the City held a well-attended Climate Action Workshop, as suggested in the Green Task Force's recommendations. The CAP work plan calls for an additional community workshop to present the draft CAP. This workshop is tentatively planned for Spring 2010. In addition, a website will be established to share information and also to solicit suggestions from the community for possible GHG emission reduction measures to include in the CAP.

**Evaluation of Measures:** Using input from stakeholders and the community, as well as a review of best practices adopted by other municipalities, staff will develop a list of potential GHG emission reduction measures. Staff will then work with stakeholders to refine the list into a recommended set of measures. Criteria used to finalize the list will include cost effectiveness; anticipated level of GHG reductions to be achieved; ability to realistically implement; and ability to implement in the short term. Staff will use a standard software package to estimate emission reductions, and will ensure that the final list of recommendations provides sufficient GHG emission reductions to meet Council's adopted goal.

**Schedule, Implementation, and Monitoring:** The project schedule calls for presentation of the draft CAP to Council in May 2010. Formal adoption will likely occur later, in concert with the General Plan, so that environmental impacts of the CAP can be considered and addressed in the General Plan Environmental Impact Report.

Implementation of some GHG reduction measures can likely occur before the CAP is formally adopted; others will take longer. The schedule and cost of implementation will depend on the set of measures that Council ultimately adopts. In order to measure progress in meeting the Council's goals, the emissions inventory and CAP will need to be updated on a regular basis (the typical time frame is every five years).

**Proposed Amendments to the San Francisco Bay Plan:** The City Council requested that staff provide information about recent changes proposed by the Bay Conservation and Development Commission (BCDC) to the San Francisco Bay Plan. The Bay Plan was originally adopted by the California Legislature in 1969 to guide the future protection and use of San Francisco Bay and its shoreline. BCDC

is the agency responsible for maintaining and carrying out the provisions of the Bay Plan. Currently, BCDC is considering the addition of a “Climate Change Policy” section to the Bay Plan, which would:

- Update sea level rise scenarios;
- Develop a long-term strategy to address sea level rise, storm activity and other Bay-related impacts of climate change in a way that protects the shoreline and the Bay; and
- Support regional interagency collaboration on mitigation and adaptation strategies, environmental justice, and research that would provide useful climate change information and tools.

BCDC staff is also proposing amendments to existing Bay Plan policies that address issues such as the impacts of sea level rise on public access and the protection of the shoreline from future flooding. The Bay Conservation and Development Commission held several public meetings to discuss the proposed additions and amendments. At the July 16, 2009 Commission meeting, BCDC staff agreed to refine the proposed Bay Plan findings and policies in response to comments and to schedule another public hearing on these refinements in the coming months.

**MITIGATION AND ADAPTATION:** When used in the context of climate change, the term “mitigation” means taking actions to reduce GHG emissions in order to reduce the extent of global warming, and the term “adaptation” means taking action to minimize the effects of global warming. Some actions, such as restoring tidal marshes that both sequester carbon and provide flood protection, serve as both adaptation and mitigation. Just as greenhouse gas reduction measures apply to a range of sectors (transportation, energy, waste), so do adaptation actions apply to all climate-sensitive systems of human society and the natural environment, including human health, ecosystems and wildlife, energy, coastal areas and sea level rise, water resources, and agriculture and forestry.

The City’s Climate Action Plan, with its focus on identifying and implementing measures for reducing greenhouse gas emissions, is a “mitigation” strategy. The proposed work plan for the CAP does not provide for extensive staff efforts to address adaptation. However, staff plans to address the issue of adaptation in the CAP in a broad and high-level manner, similar to the approach taken in the Climate Action Plans prepared by the cities of Hayward and Berkeley. Staff notes that one of the Action Area Goals of the Bay Area Climate Change Compact provides for the completion of adaptation plans by the three largest Bay Area cities by 2013. If the City Council decides to participate in the Compact, the City of Fremont would be positioned to benefit from these future planning efforts addressing this topic. In the interim, individual development projects proposed in areas that may be affected by sea level rise will be evaluated for potential impacts and mitigation measures as part of the environmental review process required by the California Environmental Quality Act.

**ENCLOSURE:** [Bay Area Climate Change Compact and Charter](#)

**RECOMMENDATION:**

1. Authorize the Mayor to sign the Bay Area Climate Change Collaborative Charter of the Bay Area Climate Change Compact.
2. Direct staff to proceed with the work plan for the Climate Action Plan, as described in this report.

**8.1 Council Referrals – None.**

**8.2 Oral Reports on Meetings and Events**



## ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD .....	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS .....	Geographic Information System
ACE .....	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD .....	Alameda County Flood Control District	HARB .....	Historical Architectural Review Board
ACTA .....	Alameda County Transportation Authority	HBA .....	Home Builders Association
ACTIA .....	Alameda County Transportation Improvement Authority	HRC .....	Human Relations Commission
ACWD .....	Alameda County Water District	ICMA .....	International City/County Management Association
BAAQMD .....	Bay Area Air Quality Management District	JPA .....	Joint Powers Authority
BART .....	Bay Area Rapid Transit District	LLMD .....	Lighting and Landscaping Maintenance District
BCDC .....	Bay Conservation & Development Commission	LOCC.....	League of California Cities
BMPs .....	Best Management Practices	LOS .....	Level of Service
BMR .....	Below Market Rate	MOU .....	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD .....	Central Business District	NEPA .....	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's .....	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG .....	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA .....	California Environmental Quality Act	PC.....	Planning Commission
CERT .....	Community Emergency Response Team	PD .....	Planned District
CIP .....	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA .....	Congestion Management Agency	PVAW .....	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF .....	City of Fremont	RDA .....	Redevelopment Agency
COPPS .....	Community Oriented Policing and Public Safety	RFP .....	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC .....	California Transportation Commission	RHNA .....	Regional Housing Needs Allocation
dB .....	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO .....	Development Organization	RWQCB .....	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET .....	Southern Alameda County Narcotics Enforcement Task Force
EBRPD .....	East Bay Regional Park District	SPAA .....	Site Plan and Architectural Approval
EDAC .....	Economic Development Advisory Commission (City)	STIP .....	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS .....	Environmental Impact Statement (NEPA)	T&O .....	Transportation and Operations Department
ERAF .....	Education Revenue Augmentation Fund	TOD .....	Transit Oriented Development
EVAW .....	Emergency Vehicle Accessway	TS/MRF .....	Transfer Station/Materials Recovery Facility
FAR .....	Floor Area Ratio	UBC .....	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa .....	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA .....	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<b><i>Date</i></b>	<b><i>Time</i></b>	<b><i>Meeting Type</i></b>	<b><i>Location</i></b>	<b><i>Cable Channel 27</i></b>
September 15, 2009	TBD	Work Session	Council Chambers	Live
September 22, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 29, 2009 (5 <sup>th</sup> Tuesday)		No Council Meeting		
October 5, 2009 (Monday)	4:00 p.m.	Joint City Council/FUSD Mtg.	Council Chambers	Live
October 6, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 13, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 20, 2009	TBD	Work Session	Council Chambers	Live
October 27, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 3, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 10, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 17, 2009	TBD	Work Session	Council Chambers	Live
November 24, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 1, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 8, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 15, 2009	TBD	Work Session	Council Chambers	Live
December 16, 2009 – January 4, 2010		Council Recess		